THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 14310 OF 2005

14th December, 2005

Between :

M.R.Suseela and another …Petitioners

A N D

1. The Government of A.P. rep. by

the District Registrar of Assurances,

Kadapa, Kadapa District and Others …Respondents

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W.P.No. 14310 OF 2005

O R D E R :

1. When WPMP No. 18177 of 2005 came up for hearing, with the consent of counsel for the parties, the writ petition itself is taken up and heard arguments.

2. The petitioners challenge the proceedings of Joint Sub-Registrar, Kadapa, dated

29-4-2005 vide letter No. P18/15/KDP/2005 whereby and where under the Joint Registrar refused to release the documents presented for registration.

3. The brief facts of the case are: there are civil disputes between the petitioners and respondents No. 3 to 5. A suit for partition being O.S.No.32 of 2002 (old) 72/1996, on the file of the I Additional District Judge, Kadapa for partition and separate possession has been filed by respondents No. 3 to 5 against G.Prathap Reddy, G.Ranga Reddy, M.R.Suseela (Petitioner No.1), L.Vijayalakshmi (Petitioner No.2) and P.Chandra Sekhar Reddy. The suit ended in dismissal by judgment dated 24th April, 2005. The respondents 3 to 5 along with another namely G.Dattateja Reddy filed O.S.No.564 of 2004 and 565 of 2004 against the petitioners herein and another by name M.Obul Reddy and T.Venkat Krishna Reddy for injunction. They also filed I.A.No. 560 of 2004 for seeking temporary injunction, wherein an order of status quo came to be granted on 17-2-2005 against Respondents No.3 to 5 and another T.Venkata Krishna Reddy. They also moved I.A.No.562 of 2004 wherein an order of status quo came to be granted on 17-2-2005 by the III Additional Junior Civil Judge, Kadapa. While so, the petitioners presented certain documents for registration, the Joint Sub-Registrar of Assurance, Kadapa under letter P18/05/KDP/ 2005, dated 29-4-2005 informed the petitioners that the documents presented by them cannot be taken for registration, in view of the *status quo* order granted by the Court. The letter addressed by the Joint-Sub-Registrar reads as follows:

> "*I am to inform that your notice along with all records pertaining to the sale deed presented by Smt. M.R.Suseela and Smt.L.Vijaya Lakshmi bearing P.No.18/200 were sent to the Govt. Pleader for opinion as there was a status quo order by the Court vide reference 2nd cited. The Govt. Pleader has opined that the sale deed cannot be registered unless the status quo order issued by the Honourable III Addl. Junior Civil Judge vide reference 2nd cited is vacated by the same Court by a specific order.*
>
> *Hence, I humbly inform you that further action can only be taken by me to register the document and return the same only after the order of the Court is received vacating the status quo order.*
>
> *This is for favour of your kind information".*

Hence this writ petition by the petitioners.

4. Respondents filed counter affidavit.

5. It is stated in the counter affidavit of respondent 3 to 5 that the Joint Sub-Registrar issued letter impugned in the writ petition in view of the litigation pending over the property. Para 7 of the counter affidavit needs to be noted and it is thus:

> "*It is further submitted that the purchasers are not aggrieved by not releasing the sale deeds in their favour. If the sale transactions are genuine, they should have been the first persons to agitate. They are not even parties to this Writ Petition. The Writ Petitioners have no right over the estate of late Ranga Reddy. They have obtained the succession certificate fraudulently and are trying to dispose of the properties in spite of several suits pending against them.".*

6. Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for Respondents No. 1 and 2 and learned counsel appearing for respondents No. 3 to 5.

7. Learned counsel for the petitioners submits that the respondents No. 3 to 5 filed applications in O.S.NO.564 of 2004 and 565 of 2004 restraining the petitioners herein from alienating the properties and both the applications ended in dismissal and therefore, there cannot be any embargo on the petitioners in alienating the properties. He further submits that the proceedings issued by the Joint Collector amounts to granting relief which has been negatived by the Civil Courts.

8. Learned counsel for the Respondents 3 to 5 submits that the Joint Sub-Registrar in the circumstances of the case is justified in issuing proceedings impugned in the writ petition and thus the writ petition is liable to be dismissed. He also submits that various suits are pending in between the parties and if the petitioners are permitted to alienate the property, there is every possibility of the purchasers interfering with their possession.

9. A fact remains that the respondents 3 to 5 tried to secure interim orders against the petitioners restraining them from alienating the properties and their efforts proved to be futile. For better appreciation I may refer para 14 of the affidavit and it is thus:

> "*I humbly submit that though both o..No.564 of 2004 and 565 of*

2004 are identical in nature, the difference lies in the fact that the third defendant in O.S.No.564 of 2004 is one M.Obul Reddy and in O.S.No.565 of 2004 the third defendant is one Mr.T.Venkata Krishna Reddy. In O.S.No.564 of 2004 the Respondents NO. 3 to 5 herein filed the following Interlocutory Applications:

S.No. I.A.No. Relief prayed for Result

01. 560/04 An Ad Interim Injunction On 8-12-04
restraining us and another status quo
from interfering with alleged was ordered
possession and enjoyment of and thesame
the Respondents 3 to 5 herein was made
absolute on
17-02-2005
02. 561/04 Restraining us from alienating Dismissed
the properties on 17-2-05

In so far as o.S.No.564 of 2004, the following Interlocutory Applications were filed.

S.No. I.A.No. Relief prayed for Result
01. 562/04 An Ad Interim Injunction On 8-12-04
restraining us and another status quo
from interfering with alleged was ordered
possession and enjoyment and the same
of the Respondents 3 to 5 was absolute
herein on 17-02-05
02. 56304 Restraining us from Dismissed on
alienating the properties 17-02-2005

10. These factual aspects mentioned in the writ affidavit are not controverted by the respondents 3 to 5 in their counter affidavit. Undisputedly, the respondents 3 to 5 tried to secure interim orders restraining the petitioners from alienating the properties and their efforts proved to be futile. In such circumstances, the Joint Sub-Registrar of Assurances-2nd respondent is not justified in issuing letter impugned in the writ petition.

11. Accordingly, the writ petition is allowed and the respondents 1 and 2 are directed to release the sale deed dated 31-1-2005. No order as to costs.

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Justice B.Seshasayana Reddy

14th December, 2005

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THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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